

REMARKS

Upon entry of the amendments, claims 1-21 will be pending in the application. Applicants note that the Examiner has indicated that claims 3, 4, 6, 7, 10, 14, 15, 17, 20, and 21 contain allowable subject matter. The Examiner has also allowed claim 19.

Claim Amendments

Claim 1 was amended to include the phrase “when in a position to receive and carry individual timber pieces.”

Claims 3, 5, 7, 8 were amended to be in independent form by combining the subject matter of previous claim 1 (absent the current amendments to claim 1) with the respective subject matter of the numbered claim. The Examiner indicated that claims 3 and 7 contained allowable subject matter so these claims should be acceptable. Applicants also believe that claims 5 and 8 contained allowable subject matter so they have been placed into independent form and will be discussed below.

Some minor amendments have been done to claims 4, 12, 15, 18, 19, 20, and 21 to address objections and/or grammatical errors.

Claim 11 has been amended to address a 112 rejection.

Claim Objections

Claims 20 and 21 have been amended as requested by the Examiner.

Claim Rejections – 35 U.S.C. § 112

Claim 11 has been amended to provide antecedent basis for the “drive means.” Applicants respectfully submit that this rejection should be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 5, and 8 are rejected as being anticipated by Rapely (US ‘850). Applicants have carefully considered the rejection and respectfully request that it be withdrawn.

Rapely fails to inherently or explicitly disclose the following feature of independent claim 1:

“wherein the carriers incline obliquely downwards in a direction out from the downwardly moving conveyor when in a position to receive and carry individual timber pieces”.

Rapely explains in column 2, lines 35-36 and 39-40, that the teeth are provided by suitably shaping the side plates of every link so as to have upstanding edges to abut the papers. Therefore, the teeth 4 of Rapely would not be inclined obliquely downwards in a direction out from the downwardly moving conveyor when in a position to receive and carry individual timber pieces. Claim 1 and dependent claim 2 are believed to be allowable in view of Rapely.

Regarding independent claims 5 and 8, Rapely does not disclose the following feature:

“the carriers have a longitudinal direction which approximately forms a tangent with the curving path of the guide space when the carrier departs from the guide space”.

In Rapely, the teeth 4 do not form a tangent with the curving path of the guide space when the carrier departs from the guide space. If the space between the chain 5 and the two

beltings 8 and 9 are considered the guide space, it is clear from Figure 1 of Rapely that the edges of the teeth 4 are generally perpendicular to the longitudinal direction of the curving path when the carrier departs from the guide space. The referenced location in the Office Action (beneath sprocket 11) is not considered applicable to the claimed invention. The guide space (reference number 21) of the claimed invention is defined outwardly and upwardly by an outer guard rail 22 and the outside of the guide rail 17. The carriers 23 form tangents to the bending curve of the guide space 21 when the carrier departs from the guide space. Reference is made to pages 6 and 7 of the present application. The claimed structural arrangement is not shown by the Rapely patent when the teeth 4 depart the guide space formed by belttings 8 and 9 and the chain 5.

Claim Rejections – 35 U.S.C. § 103

Claims 12, 13, 16, and 18 are rejected as obvious in view of Rapely and Fluck (US '600).

Regarding the rejection of independent claim 12 (dependent claims 13 and 16), Applicants believe that the rejection should be withdrawn because claim 12 sets forth stationary guide rails.

Applicants note that the first embodiment of Rapely relies on the use of flexible belts (reference numbers 8 and 9), which would conform with the papers that are being transported. The second embodiment of Rapely details the use of presser conveyors 18 and 19 that are moveably suspended and spring biased toward the flow of papers (col. 3, lines 10-21).

Applicants do not believe that a person skilled in the art would be motivated to modify the teachings of Rapely with the teachings of Fluck as suggested in the Office Action because the aforementioned structural arrangement set forth in Rapely. The rails of Fluck are not the functional equivalent of the non-stationary rails of Rapely, which are flexible or spring biased.

Applicants also believe Rapely lacks any hints or suggestions to utilize stationary guide rails, which would possibly interfere with the invention of Rapely. Furthermore, there is no suggestion in Fluck that stationary rails could be used in place of non-stationary rails.

Regarding the rejection of independent claim 18, Applicants respectfully assert that neither cited patent teaches:

“an inner and one outer curved guide rail defining therebetween a downwardly curved guide space, inner guide rail having an angle of curvature exceeding 90° whereby said guide space diverges in a downward direction at a lower end portion thereof”.

Rapely fails to depict the claimed angle of the inner guide rail which defines that guide space. Likewise, Fluck fails to depict the claimed angle. Fluck teaches “[t]he articles 1 are laterally guided during their circular travel with the conveyor wheel 5 by guide bars 10 which, in the inlet zone, curve coaxially to the axis of the shaft 6 and in the outlet zone they extend tangentially away from the conveyor wheel 5 to form a gathering channel 11.” Applicants request the withdrawal of the rejection of claim 18.

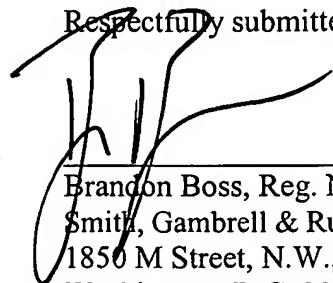
CONCLUSION

Applicants respectfully request allowance of the application. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

Date: May 10, 2004

Signature:

A handwritten signature in black ink, appearing to be "Brandon Boss", written over a horizontal line.

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* Practice is limited to matters and proceeding before federal courts and agencies.